

# United States Court of Appeals For the First Circuit

No. 24-1943

STATE OF NEW HAMPSHIRE,

Appellee,

v.

DESTINIE L. BERARD,

Defendant - Appellant.

Before

Barron, Chief Judge,  
Rikelman and Aframe, Circuit Judges.

## JUDGMENT

Entered: March 31, 2025

Defendant-Appellant Destinie L. Berard appeals from the district court's order remanding her criminal prosecution to state court and the district court's order denying her motion to stay judgment. The district court granted the appellant permission to proceed in forma pauperis on appeal. See 28 U.S.C. § 1915(a)(1).

We issued an order to show cause why the appeal should not be dismissed as untimely under Federal Rule of Appellate Procedure 4(b). Appellee the State of New Hampshire has filed a response and moved to dismiss based on lack of untimeliness. The appellant has filed a response and an objection to the motion to dismiss. The appellant also requests appointment of counsel. We have construed the appellant's filing liberally. See Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam).

After careful review of the relevant portions of the record, and the filings on appeal, we conclude that this appeal is untimely and that the State timely asserted its objection. Thus, this appeal does not present any substantial question, rendering summary disposition appropriate. See Local Rule 27.0(c).

The motion to dismiss is **GRANTED** and the appeal is hereby **DISMISSED**. See Local Rule 27.0(c). Any other requests for relief are **DENIED** as moot.

By the Court:

Anastasia Dubrovsky, Clerk

cc:

Destinie L. Berard

John M. Formella

Mary Alissa Trick